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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

United States of America,	)	
	)	NO. CR-14-00124-SMJ-1
Plaintiff,	)	
vs.	)	Defendant's Motion for Leave to
	)	Contact Jurors and For an Extension
James Terry Henrikson,	)	of Time to File Post-Trial Motions
	)	
Defendant.	)	<b>March 7, 2016 @ 6:30 p.m.</b>
	)	<b>(Without oral argument)</b>
	)	

**I. INTRODUCTION**

COMES NOW, the defendant James Terry Henrikson, by and through his undersigned attorneys, and moves this Court for permission to contact the jurors

DEF'S MOTION FOR LEAVE TO CONTACT  
JURORS AND FOR AN EXTENSION OF TIME  
TO FILE POST-TRIAL MOTIONS -1

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1 and alternates that have participated in this case. This motion is based upon Local  
2 Rule 47.1(d) and the Sixth Amendment of the United States Constitution.  
3 Moreover, the defendant also asks this Court to grant a reasonable extension not to  
4 exceed two (2) weeks of the 14-day time limitations for post-trial motions as set  
5 forth in Fed.R.Crim.P. 29(c)(1) and Fed.R.Crim.P. 33(b)(2).  
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## 7 **II. DISCUSSION**

8 On February 25, 2016, following more than four weeks of trial, James  
9 Henrikson was convicted of eleven separate offenses. Mr. Henrikson is currently  
10 facing a mandatory sentence of life imprisonment as to some of these counts of  
11 conviction.  
12

13 After trial, at the direction of defense counsel, a defense investigator made  
14 efforts to contact jurors to determine whether there was any basis to file a motion  
15 for new trial under Fed.R.Crim.P. 33. Unfortunately, due to oversight, defense  
16 counsel neglected to seek leave of the Court under Local Rule 47.1(d) before  
17 commencing that investigation.  
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19 The Court subsequently learned that the defense investigator had made  
20 efforts to contact one of the seated jurors. Accordingly, the Court scheduled a  
21 hearing to consider this matter on March 2, 2016. At the time of the hearing,  
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1 defense counsel made a motion for permission to contact jurors in an effort to  
2 conduct a post-trial investigation. Counsel for the Government then asked for the  
3 defense to file a written motion before stating its position in regards to this motion.  
4 The Court granted the Government's request and set an accelerated briefing  
5 schedule. *See ECF 765.*  
6

7 Defense counsel now moves for permission to make contact with jurors who  
8 participated in this trial. As the Court knows, this case was the subject of intense  
9 media coverage and scrutiny. In fact, the Court permitted certain media outlets to  
10 participate in "live blogging" during the course of the trial. After the jury verdict,  
11 jurors were quoted in the news media concerning the basis for their decision.  
12 Defense counsel believes that it is necessary to complete an investigation to ensure  
13 that the Mr. Henrikson's Sixth Amendment right to a fair and impartial jury was  
14 not violated.  
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17 Defense counsel can assure the Court that all juror contacts will be handled  
18 in a professional and nonthreatening manner. Moreover, each juror will be advised  
19 that their participation in this process is voluntary and that they are not obliged to  
20 speak with the defense investigator (or with any other person) regarding these  
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1 matters. Defense counsel is also prepared to follow any particular procedures – or  
2 limitations – that might be established by the Court.

3         Given the timing of the jury’s verdict, the defendant is now required to file  
4 any post-trial motions no later than March 12, 2016 in light of the limitations set  
5 forth in Fed.R.Crim.P. 29(c)(1) and Fed.R.Crim.P. 33(b)(2). However, the 14-day  
6 limitation is not jurisdictional and the district court is authorized to grant a  
7 reasonable extension of time. *See, e.g., Eberhart v. United States*, 546 U.S. 12  
8 (2005); *United States v. Leung*, 796 F.3d 1032 (9<sup>th</sup> Cir. 2015). In light of these  
9 recent developments and the attendant delays, the defendant now seeks an  
10 extension of fourteen (14) days to file any post-trial motions under Rule 29 and/or  
11 Rule 33.  
12  
13

14             DATED this 3<sup>rd</sup> day of March, 2016.  
15

16  
17                     /s/ Todd Maybrow  
18                     Todd Maybrow  
19                     Attorney for James Henrikson

20                     /s/ Mark Vovos  
21                     Mark Vovos  
22                     Attorney for James Henrikson  
23  
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CERTIFICATE OF SERVICE

I hereby certify that on March 3, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to Aine Ahmed, AUSA and Scott Jones, AUSA.

*/s/ Mark E. Vovos*

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